

OCT 15 2020

FILED

1 TANYA A. GULESSERIAN (CSB No. 198640)  
2 CHRISTINA M. CARO (CSB No. 250797)  
3 ANDREW J. GRAF (CSB No. 300169)  
4 ADAMS BROADWELL JOSEPH & CARDOZO  
5 A Professional Corporation  
6 601 Gateway Boulevard, Suite 1000  
7 South San Francisco, CA 94080-7037  
8 Telephone: (650) 589-1660  
9 Facsimile: (650) 589-5062  
10 Email: tgulesserian@adamsbroadwell.com  
11 ccaro@adamsbroadwell.com  
12 agraf@adamsbroadwell.com

13 Attorneys for Petitioners and Plaintiffs  
14 CALIFORNIA WORKS LABOR-MANAGEMENT COOPERATION TRUST

15  
16 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
17 COUNTY OF VENTURA

18 CALIFORNIA WORKS LABOR-  
19 MANAGEMENT COOPERATION TRUST, a  
20 non-profit organization,

21 Petitioners and Plaintiffs,

22 vs.

23 COUNTY OF VENTURA, a public agency;  
24 BOARD OF SUPERVISORS OF COUNTY OF  
25 VENTURA, a public agency; and DOES 1  
26 through 10, inclusive,

27 Respondents and Defendants.

28 ROES 11 through 20, inclusive,

Real Parties in Interest and  
Defendants.

Case No.:

[CEQA Case]

VERIFIED PETITION FOR WRIT OF  
MANDATE AND COMPLAINT FOR  
DECLARATORY AND INJUNCTIVE  
RELIEF

(California Environmental Quality Act,  
Pub. Resources Code, § 21000 et seq.;  
Code Civ. Proc., §§ 1085, 1094.5.)

VERIFIED PETITION FOR WRIT OF MANDATE AND COMPLAINT  
FOR DECLARATORY AND INJUNCTIVE RELIEF

Petitioners and Plaintiffs CALIFORNIA WORKS LABOR-MANAGEMENT COOPERATION TRUST (collectively “Petitioners”) petition this Court for a writ of mandate (“writ”) and for declaratory and injunctive relief directed to Respondents and Defendants COUNTY OF VENTURA, BOARD OF SUPERVISORS OF COUNTY OF VENTURA, and DOES 1 through 10, inclusive (collectively, “Respondents” or “County”), and Real Parties in Interest and Defendants ROES 1 through 10 and by this verified petition and complaint (“Petition”), allege as follows:

### **INTRODUCTION**

1. This action challenges the County’s September 15, 2020 approval of the 2040 General Plan Update (“2040 GPU” or “Project”), including certification of the Final Environmental Impact Report (“FEIR”); adoption of California Environmental Quality Act (“CEQA”) Findings of Fact, Statement of Overriding Considerations and Mitigation Monitoring Program (“MMP”); adoption of findings that the 2040 General Plan is in the interest of public health, safety or general welfare and good zoning practice; repeal of the existing General Plan, including its Resources Hazards, Land Use, and Public Facilities and Services Appendices, except for the portions of the existing General Plan constituting the County’s 2014-2021 Housing Element; and approval and adoption of the 2040 General Plan and 2040 General Plan Background Report (collectively, “Project Approvals”).

2. The 2040 GPU is a comprehensive update of Ventura County’s General Plan. The 2040 General Plan identifies the goals, policies, and implementation programs that will guide future decisions in the County concerning a variety of issues, including land use, climate change, agriculture, transportation, hazards, public facilities, health and safety, environmental justice, economic vitality, and resource conservation through the year 2040.

3. In certifying the FEIR, the County prejudicially abused its discretion and failed to proceed in the manner required by law, in violation of CEQA (Pub. Resources Code § 21000, et seq.) and the CEQA Guidelines (14 California Code of Regulations § 15000 et seq.) (“CEQA Guidelines”). The FEIR is legally defective due to its failure to adequately disclose and mitigate the Project’s potentially significant air quality and wildfire impacts, including but not limited to (1)

1 failure to disclose and mitigate reasonably foreseeable impacts of increased foreign oil and gas  
2 imports; (2) failure to meaningfully analyze the 2040 GPU's oil well setback policy; (3) failure to  
3 adequately analyze and mitigate impacts of oil and gas production and transport; (4) failure to  
4 adequately analyze and mitigate GHG emissions, including failure to recirculate the EIR after  
5 introducing significant new information regarding GHG emissions inventory and forecasts; and (5)  
6 failure to analyze and mitigate potentially significant impacts from wildfires.

7 4. Due to these errors and deficiencies, Respondents' actions in certifying the FEIR,  
8 adopting findings of significance and a statement of overriding consideration, and approving the  
9 Project's MMP constituted a prejudicial abuse of discretion. Respondents failed to proceed in the  
10 manner required by law and Respondents' findings and actions were not supported by substantial  
11 evidence. Respondents' decision to certify the FEIR and approve the Project must be set aside.

## 12 PARTIES

### 13 **Petitioners and Plaintiffs**

14 5. Petitioner and Plaintiff CALIFORNIA WORKS LABOR-MANAGEMENT  
15 COOPERATION TRUST ("California Works") is a non-profit organization formed by the State  
16 Building and Construction Trades Council, a council of labor organizations representing over  
17 450,000 California construction and industrial workers, including members of the Tri-County  
18 Building and Construction Trades, and companies that hire California union workers. California  
19 Works has been, and continues to be, strongly committed to workforce education, training and  
20 certification efforts that enable the quality workmanship necessary to ensure that industrial and  
21 other development is constructed properly and operates safely. California Works is also concerned  
22 with policies that protect public health and the environment while providing job opportunities for  
23 working families and disadvantaged communities in the region where the workers and their  
24 families live, work and recreate.

25 6. California Works and its members are beneficially interested in this proceeding.  
26 California Works' members include residents of Ventura County. Members of California Works  
27 breathe the air in and around Ventura County, support the County economy, and regularly visit its  
28 natural environment. Their interests in air quality, public health and safety, and sustainable energy

1 development, among other interests, will be adversely affected if the Project is developed without  
2 proper analysis and mitigation of its environmental impacts. California Works' members are  
3 concerned with, and will be affected by, the Project's GHG impacts, construction-related air  
4 pollution, and other environmental impacts caused by the Project. The interests that California  
5 Works seeks to protect are germane to its purpose.

6 **Respondents and Defendants**

7 7. Respondent and Defendant COUNTY OF VENTURA ("County") is a general law  
8 county organized under the laws of the State of California. The County is the lead agency  
9 responsible for preparation of an environmental document pursuant to CEQA that describes the  
10 Project, evaluates its impacts, and evaluates mitigation measures and/or alternatives to lessen or  
11 avoid any significant environmental impacts under CEQA. The County is the agency which  
12 prepared and certified the FEIR for the Project, and it issued the Project approvals. The County is  
13 also identified on the Notice of Determination ("NOD") filed by the County on September 16,  
14 2020 (State Clearinghouse) and September 17, 2020 (County Clerk/Recorder) as the "Project  
15 Applicant," and is therefore a recipient of Project approvals.

16 8. Respondent and Defendant BOARD OF SUPERVISORS OF COUNTY OF  
17 VENTURA ("Board") is the duly elected legislative and quasi-judicial governing body of  
18 Respondent County. As the final decision-making body for the Project pursuant to its authority to  
19 grant legislative approvals, the Board was responsible for, *inter alia*, lead-agency decision making  
20 with respect to the Project under CEQA, and assuring that the Project complies with all other  
21 applicable provisions of federal, State and local laws. The Board and its members are sued herein  
22 in their official capacities.

23 9. Petitioners are unaware of the true names and capacities of Respondents and  
24 Defendants DOES 1 through 10, and sue such respondents by fictitious names. Petitioners are  
25 informed and believe, and on the basis of such information and belief, allege that the fictitiously  
26 named Respondents and Defendants are also responsible for the actions described in this Petition.  
27 When the true identities and capacities of these respondents have been determined, Petitioners will  
28 amend this Petition, with leave of court if necessary, to insert such identities and capacities.

1           10.     Petitioners are unaware of the true names and capacities of Real Parties in Interest  
2 and Defendants ROES 1 through 10, and sue such real parties by fictitious names. Petitioners are  
3 informed and believe, and on the basis of such information and belief, allege that the fictitiously  
4 named Real Parties in Interest and Defendants are also responsible for the actions described in this  
5 Petition. When the true identities and capacities of these **real parties** have been determined,  
6 Petitioners will amend this Petition, with leave of court **if necessary**, to insert such identities and  
7 capacities

8                                   **JURISDICTION AND VENUE**

9           11.     This Court has jurisdiction over the matters alleged in this Petition pursuant to Code  
10 of Civil Procedure sections 526 and 527 (injunctive relief), 1060 (declaratory relief), 1085, 1086  
11 and 1087 (traditional mandamus), 1094.5 and 1094.6 (administrative mandamus), and Public  
12 Resources Code sections 21168 and 21168.5. The Court has jurisdiction to issue declaratory relief  
13 pursuant to CCP section 1060 and injunctive relief pursuant to CCP sections 525 et seq.

14           12.     Venue is proper in the Superior Court for the State of California in and for the  
15 County of Ventura under Code of Civil Procedure sections 393 (actions against public officers),  
16 394 (actions against a city, county or local agency), and 395 (actions generally) because the  
17 Respondents include a local agency of the State of California, and public officers of a local agency  
18 of the State of California. Venue is proper in this Court because the majority of Project activities  
19 will occur within the County of Ventura, and the environmental impacts of the Project will be  
20 acutely felt within the County. The cause alleged in this Petition, or some part of that cause, arise  
21 in this county. (CCP § 393; *Cal. State Parks Foundation v. Super. Ct.* (2007) 150 Cal. App. 4th  
22 826.)

23           13.     This Petition is timely filed within all applicable statutes of limitations. This action  
24 is **timely under CEQA** because it is filed within 30 days of the County's September 16, 2020 and  
25 September 17, 2020 filings of the Notice of Determination ("NOD"). Public Resources Code §  
26 21167(b), (c), (e); 14 Cal Code Regs. § 15112(c)(1).

27           14.     Petitioners have performed all conditions precedent to filing this action, and have  
28 **complied with Public Resources Code section 21167.5**, by mailing written notice of

1 commencement of this action to the County prior to filing this Petition. A true and correct copy of  
2 the notice provided pursuant thereto, with proof of service thereof, is attached hereto as Exhibit A  
3 to this Petition.

4 15. Pursuant to Public Resources Code section 21167.6(b), Petitioners have elected to  
5 prepare the record of proceedings in this matter, and are simultaneously filing their notice of intent  
6 to prepare said record of proceedings with this Petition. A true and correct copy of Petitioners'  
7 Notice of Intent to Prepare Record of Proceedings is attached hereto as Exhibit B.

8 16. Petitioners will provide notice of this action to the Attorney General of the State of  
9 California, by serving a copy of this Petition along with a notice of its filing, as required by Public  
10 Resources Code section 21167.7 and Code of Civil Procedure section 388.

#### 11 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

12 17. Petitioners have performed all conditions precedent to this filing and have  
13 participated in the administrative process to the extent notice was provided and such participation  
14 was permitted, and thus have fully exhausted their administrative remedies. Petitioners satisfied  
15 the requirements of Public Resources Code section 21177 prior to filing this action.

16 18. Petitioners made oral and written comments objecting to the FEIR at the Board's  
17 September 1, 2020 hearing and raised several of the legal deficiencies asserted in this Petition. In  
18 addition, Petitioners incorporated by reference all written and oral comments submitted to the  
19 County objecting to the Project by any other commenting party, person or agency. This included,  
20 but was not limited to, comments submitted during the public comment period on the DEIR,  
21 comments submitted on the FEIR, comments submitted on the 2040 General Plan and/or the 2040  
22 General Plan Background Report, comments submitted at the July 16, 2020 public hearing before  
23 County's Planning Commission, comments submitted at the September 1, 2020 Board Meeting,  
24 and any other comments contained in the administrative record for the Project.

25 19. Petitioners also submitted written comments prior to the Board's September 15,  
26 2020 hearing. Petitioners' request to provide oral comments at the continued hearing was rejected.  
27 The Board refused to allow public comment on the 2040 GPU at the second hearing, in violation of  
28 CEQA.

20. It is well-established that any party who participates in the administrative process can assert all factual and legal issues raised by anyone. (Pub. Res. Code § 21177(a); *See Citizens for Open Government v. City of Lodi* (2006) 144 Cal.App.4th 865, 875.)

21. Respondents have taken final agency action with respect to the subject Project approvals.

22. Respondents have a mandatory duty to comply with CEQA prior to undertaking the discretionary approvals at issue in this lawsuit.

23. Petitioners possess no other remedy to challenge the County's abuse of discretion of the claims raised herein other than by means of this lawsuit.

## IRREPARABLE HARM

24. Petitioners have no plain, speedy, or adequate remedy in the ordinary course of law unless this Court grants the requested writ of mandate to require Respondents to set aside their Project Approvals. If Respondents' implement the 2040 GPU pursuant to Respondents' flawed approvals, Petitioners, the environment and the general public will be irreparably harmed. No money damages could adequately compensate for that harm. A temporary restraining order and preliminary and permanent injunctions should issue restraining Respondents from proceeding with the Project.

**PUBLIC BENEFIT**

25. Petitioners also file this action in the public interest. Petitioners seek to enforce important public duties and rights under CEQA. Other members of the public who will be adversely affected by the Project's impacts would find it financially, practically, and/or procedurally difficult to protect their rights in the complex administrative and judicial processes for reviewing the Project and enforcing compliance with State and local laws. Thus, this action involves enforcement of an important right affecting the public interest. Petitioners will confer a substantial benefit to the citizens of the County, as well as on citizens of the State of California generally. Therefore, Petitioners bring this action to vindicate their own legal rights, as well as to enforce important public rights significantly affecting the public interest as a private attorney general under Code of Civil Procedure section 1021.5, and all applicable law.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

2  
3  
4  
5  
6

7  
8  
9  
10  
11  
12  
13  
14

## 15

16  
17

18  
19  
20

21  
22  
23  
24  
25  
26  
27



1           31.     On July 16, 2020, the County Planning Commission held a public hearing to  
2 consider and make recommendations to the Board on the 2040 GPU. The Planning Commission  
3 recommended approval of the 2040 GPU to the Board of Supervisors.

4           32.     On September 1, 2020, the Board held a public hearing on the 2040 GPU.  
5 Petitioners submitted written and oral comments at the hearing regarding the deficiencies with the  
6 FEIR and asked the County to revise and recirculate a new DEIR to provide a legally adequate  
7 analysis. After closing public testimony, the Board tentatively approved the 2040 GPU and  
8 continued the public hearing to September 15, 2020 for the purpose of considering the final  
9 approval documents, which were amended by the Board at the first hearing.

10          33.     Prior to the continued hearing, Petitioners submitted additional written comments  
11 regarding deficiencies with the FEIR. On September 15, 2020, the Board held the hearing without  
12 allowing further public comment and approved the 2040 GPU without recirculating the EIR.

13          34.     The County filed and posted the NOD on September 16, 2020 with the State  
14 Clearinghouse, and on September 17, 2020 with the County Clerk/Recorder.

### 15                               **LEGAL STANDARD**

#### 16                                       **CEQA**

17          35.     CEQA, requires that an agency analyze the potential environmental impacts of its  
18 proposed actions in an EIR, except in very certain limited circumstances. See, e.g., Pub. Resources  
19 Code § 21100.

20          36.     CEQA has two primary purposes. First, CEQA is designed to inform decision  
21 makers and the public about the potential, significant environmental effects of a project. (14 Cal.  
22 Code Regs. § 15002(a)(1)). "Its purpose is to inform the public and its responsible officials of the  
23 environmental consequences of their decisions before they are made. Thus, the EIR protects not  
24 only the environment but also informed self-government." (*Citizens of Goleta Valley v. Bd. of*  
25 *Supervisors* (1990) 52 Cal.3d 553, 564.) The EIR has been described as "an environmental alarm  
26 bell whose purpose it is to alert the public and its responsible officials to environmental changes  
27 before they have reached ecological points of no return." (*Berkeley Keep Jets Over the Bay v. Bd.*  
28 *of Port Comrs.* (2001) 91 Cal.App.4th 1344, 1354 ("*Berkeley Jets*").

1           37. To this end, public agencies must ensure that its analysis “stay in step with evolving  
2 scientific knowledge and state regulatory schemes.” (*Cleveland Nat’l Forest Foundation v. San*  
3 *Diego Ass’n of Governments* (2017) 3 Cal.5th 497, 504 (“*Cleveland I*”). Hence, an analysis  
4 which “understates the severity of a project’s impacts impedes meaningful public discussion and  
5 skews the decisionmaker’s perspective concerning the environmental consequences of the project,  
6 the necessity for mitigation measures, and the appropriateness of project approval.” (*Id.*, on remand  
7 17 Cal.App.5th 413, 444 (“*Cleveland II*”); see also *Citizens of Goleta Valley*, 52 Cal.3d at 564  
8 quoting *Laurel Heights Improvement Ass’n v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 392  
9 (“*Laurel Heights*”).

10           38. Second, CEQA requires public agencies to avoid or reduce environmental damage  
11 when “feasible” by requiring “environmentally superior” alternatives and all feasible mitigation  
12 measures. (14 Cal. Code Regs. § 15002(a)(2), (3); *Citizens of Goleta Valley*, 52 Cal.3d at 564).  
13 The EIR serves to provide agencies and the public with information about the environmental  
14 impacts of a proposed project and to “identify ways that environmental damage can be avoided or  
15 significantly reduced.” (14 Cal. Code Regs. § 15002(a)(2)).

16           39. A lead agency may not approve a project if that will have a significant effect on the  
17 environment unless it has first adopted all feasible mitigation measures to eliminate or substantially  
18 lessen all significant impacts of the Project. (Pub. Resources Code § 21002.1(a), (b)). If the  
19 project will have a significant effect on the environment, the agency may approve the project only  
20 if it finds that it has “eliminated or substantially lessened all significant effects on the environment  
21 where feasible” and that any unavoidable significant effects on the environment are “acceptable  
22 due to overriding concerns.” (Pub. Resources Code § 21081; 14 Cal. Code Regs. § 15092(b)(2)(A)  
23 & (B)).

24           40. While the courts review an EIR using an “abuse of discretion” standard, “the  
25 reviewing court is not to ‘uncritically rely on every study or analysis presented by a project  
26 proponent in support of its position. A clearly inadequate or unsupported study is entitled to no  
27 judicial deference.” (*Berkeley Jets*, 91 Cal. App. 4th 1344, 1355 (emphasis added), quoting *Laurel*  
28 *Heights*, 47 Cal. 3d at 391, 409, fn. 12). In particular, the question of whether an EIR’s description

1 of an environmental impact is insufficient because it lacks analysis or omits the magnitude of the  
2 impact is reviewed under a de novo standard, and is "not a substantial evidence question." (*Sierra*  
3 *Club v. County of Fresno* (2018) 6 Cal.5th 502, 521). Thus, a conclusory discussion of  
4 environmental impacts that an EIR deems significant may be held to be inadequate as a matter of  
5 law "without reference to substantial evidence," even where mixed questions of law and fact are  
6 involved. (*Id.*)

7 41. Recirculation of an EIR prior to certification is addressed in Pub. Resources Code  
8 section 21092.1, and 14 Cal. Code Regs. section 15088.5. "When significant new information is  
9 added to an environmental impact report after notice has been given pursuant to Section 21092 ...  
10 but prior to certification, the public agency shall give notice again pursuant to Section 21092, and  
11 consult again pursuant to Sections 21104 and 21153 before certifying the environmental impact  
12 report." (Pub. Resources Code § 21092.1).

13 42. "Significant new information" includes: (1) a new significant environmental impact  
14 would result from the project or from a new mitigation measure proposed to be implemented; (2) a  
15 substantial increase in the severity of an environmental impact would result; (3) a feasible project  
16 alternative or mitigation measure considerably different from others previously analyzed would  
17 clearly lessen the significant environmental impacts of the project; or (4) the draft EIR was so  
18 fundamentally and basically inadequate and conclusory in nature that meaningful public review  
19 and comment were precluded. (14 Cal. Code Regs. § 15088.5; *Mountain Lion Coal. v. Fish and*  
20 *Game Comm'n* (1989) 214 Cal.App.3d 1043).

21 43. Section 21092.1 favors recirculation of an EIR prior to certification in order to  
22 ensure the opportunity for meaningful public comment. (*Laurel Heights Impr. Assn. v. Reg. of*  
23 *Univ. of Cal.* (1993) 6 Cal. 4th 1112, 1130 ("*Laurel Heights II*").

#### 24 **FIRST CAUSE OF ACTION**

25 **(Violations of CEQA, Pub. Resources Code § 21000 et seq.;**  
26 **Code of Civil Procedure §1094.5 or in the alternative §1085)**

27 44. Petitioners reallege and incorporate by reference all prior paragraphs of this Petition  
28 as if fully set forth below.

1           45. Respondents violated CEQA by certifying an FEIR for the 2040 GPU that failed to  
2 comply with the requirements of CEQA and the CEQA Guidelines and was improperly used as the  
3 basis for approving the Project. The FEIR failed to perform its function as an informational  
4 document that is meant "to provide public agencies and the public in general with detailed  
5 information about the effect which a proposed project is likely to have on the environment" and "to  
6 list ways in which the significant effects of such a project might be minimized." (*Laurel Heights*,  
7 47 Cal.3d at 391).

8           46. CEQA requires the Court to establish whether an agency abused its discretion by  
9 determining whether an agency failed to proceed in the manner required by law, and/or whether the  
10 agency's decision is not supported by substantial evidence. (Pub. Resources Code § 21168).

11           47. Based on these legal standards, Respondents abused their discretion, exceeded their  
12 jurisdiction, and proceeded in a manner contrary to law without the support of substantial evidence  
13 in the record by certifying a legally deficient FEIR for the 2040 GPU that failed to comply with  
14 CEQA by:

- 15           a. Failing to disclose, analyze and mitigate potentially significant environmental  
16 impacts resulting from an increased reliance on foreign oil and gas imports;
  - 17           b. Failing to adequately analyze and mitigate the public health impacts of setbacks  
18 from new discretionary oil wells and failure to support setback distances with  
19 substantial evidence;
  - 20           c. Failing to meaningfully analyze impacts and proposed mitigation measures related  
21 to oil and gas extraction and transport;
  - 22           d. Failing to recirculate the EIR after adding significant new information regarding the  
23 Project's GHG emissions inventory and forecast; and
  - 24           e. Failure to analyze and mitigate potentially significant wildfire impacts.
- 25  
26  
27  
28

**(Failure to Disclose, Analyze, and Mitigate Environmental Impacts Resulting from Increased  
Reliance on Foreign Oil and Gas Imports)**

48. Policy COS-7.2 requires new discretionary oil wells to be located a minimum of 1,500 feet from residential dwellings and 2,500 feet from schools. Policy COS-7.7 would require new discretionary oil wells to convey oil and produced water via pipelines and prohibit trucking. Policy COS-7.8 would prohibit all new discretionary oil and gas wells from flaring or venting except for emergencies and testing purposes.

49. The FEIR acknowledged that Policy COS-7.2 (and the potential impacts of Policies COS-7.7 and COS-7.8, if not mitigated) could increase the State and County's reliance on foreign oil and gas imports from outside the 2040 General Plan area. But the FEIR failed to identify and disclose the potential environmental impacts that could result from increased reliance on foreign oil and gas imports, and omitted a detailed analysis of the reasonably foreseeable environmental impacts of this change in policy.

50. In particular, the County failed to analyze the increased air emissions, including increased GHG emissions, that would result from implementation of the new policies.

51. The County also ignored substantial expert evidence submitted by commenters which demonstrated that the Project would substantially increase GHG emissions over baseline levels due to implementation of Policies COS-7.2, COS-7.7, and COS-7.8.

52. The impacts of foreign oil and gas imports are both direct and indirect impacts of the 2040 GPU which require analysis and mitigation under CEQA. These impacts are not speculative, as the FEIR asserted.

53. The County also improperly limited the scope of its CEQA review to the agency's jurisdictional boundaries by omitting an analysis of the transport emissions and transportation impacts associated with foreign fuel imports. (Pub. Resources Code § 21060.5; *County Sanitation Dist. No. 2 of Los Angeles County v. County of Kern* (2005) 127 Cal.App.4th 1544, 1582-83; *Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 396.

1           54.     Where, as here, an EIR is insufficient because it lacks analysis or omits the  
2 magnitude of the impact, the issue is “not a substantial evidence question.” (*Sierra Club v. County*  
3 *of Fresno*, (2018) 6 Cal.5th 502, 521). Rather, courts review the issue de novo.

4           **(Failure to Adequately Analyze and Mitigate the Public Health Impacts of the Oil Well**  
5           **Setback Policy and Support the Setback Distances with Substantial Evidence)**

6           55.     Policy COS-7.2 would require new discretionary oil wells to be located a minimum  
7 of 1,500 feet from residential dwellings and 2,500 feet from schools. Mitigation Measure (“MM”)  
8 PR-1 would amend Policy COS-7.2 by eliminating the 2,500 foot setback and amending the 1,500  
9 foot setback such that it applies to “sensitive use structures” which the EIR defines as dwellings,  
10 childcare facilities, hospitals, health clinics, and school property lines.

11          56.     The County failed to conduct a quantified analysis of the potential health risks  
12 associated with the exposure of sensitive receptors to toxic air contaminations (“TACs”) associated  
13 with emissions from oil and gas extraction sites. The FEIR explained that the level of health risk  
14 from exposure to construction- and operation-related TAC emissions was assessed qualitatively  
15 because of the programmatic nature of the Project based on the assertion that the specific types and  
16 locations of future discretionary projects is unknown. However, the County relied on this  
17 qualitative health risk analysis to make quantitative findings about the setback distances necessary  
18 to reduce health risks to sensitive receptors near oil extraction sites. The FEIR erroneously relied  
19 on an unenacted bill, AB 345, and reports that did not contain specific data to support the FEIR’s  
20 conclusion that either the 2,500 foot or 1,500 foot setback distances from new discretionary oil  
21 wells would provide the health protections asserted in the FEIR.

22          57.     Because the County failed to quantify the extent of the health risks with any  
23 specificity, the FEIR’s subsequent conclusions that the specific setback distances would, or would  
24 not, reduce significant health risks, were not supported by substantial evidence. This is a violation  
25 of CEQA’s requirement that an EIR must provide detailed discussion, supported by substantial  
26 evidence, which disclose the nature and magnitude of impacts of air pollution on public health.  
27 The failure to provide information required by CEQA makes meaningful assessment of potentially  
28 significant impacts impossible. (*Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 518–522).

1           58.     Challenges to an agency's failure to proceed in the manner required by CEQA, such  
2 as the failure to adequately disclose information about a project's environmental effects or  
3 alternatives, are informational defects subject to the court's independent review without deference  
4 to an agency's factual conclusions. (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of*  
5 *Rancho Cordova* (2007) 40 Cal.4th 412, 435.)

6           59.     The County also failed to support the FEIR's infeasibility findings for MM PR-1  
7 with substantial evidence.

8           60.     Policy COS-7.2 would require new discretionary oil wells to be located a minimum  
9 of 1,500 feet from residential dwellings and 2,500 feet from schools. MM PR-1 proposed to  
10 amend Policy COS-7.2 by eliminating the 2,500 foot setback and adding additional sensitive  
11 receptors to the 1,500 foot setback such that it applies to "sensitive use structures" which the EIR  
12 defines as dwellings, childcare facilities, hospitals, health clinics, and school property lines.

13           61.     The FEIR concludes Policy COS-7.2 would result in a potentially significant impact  
14 because the policy could hamper or preclude access to petroleum resources. MM PR-1 would  
15 reduce, but not avoid, the significant impact. However, the County determined this measure is  
16 infeasible because the smaller buffer zone would result in greater impacts on human health and the  
17 environment, notwithstanding the fact that it would have created a buffer zone for a larger category  
18 of sensitive receptors.

19           62.     The County's infeasibility finding for MM PR-1 relies on similar evidence used to  
20 support Policy COS-7.2. The FEIR erroneously relied on an unenacted bill, AB 345, and reports  
21 that did not contain specific data to support the FEIR's conclusion that either the 2,500 foot or  
22 1,500 foot setback distances from new discretionary oil wells would provide the health protections  
23 asserted in the FEIR.

24           63.     Because the County failed to quantify the extent of the health risks with any  
25 specificity, the FEIR's subsequent conclusions that the specific setback distances adopted for the  
26 Project would, or would not, reduce significant health risks, were not supported by substantial  
27 evidence. This is a violation of CEQA's requirement that an EIR must provide detailed discussion,  
28

1 supported by substantial evidence, which disclose the nature and magnitude of impacts of air  
2 pollution on public health.

3 64. The failure to provide information required by CEQA also makes meaningful  
4 assessment of potentially significant impacts impossible. (*Sierra Club v. County of Fresno* (2018)  
5 6 Cal.5th 502, 518–522).

6 **(Failure to Meaningfully Analyze and Mitigate Impacts of Oil and Gas**  
7 **Production and Transport)**

8 65. Policy COS-7.7 would prohibit new discretionary oil wells from trucking oil and  
9 produced water. Instead, the policy mandates that oil and produced water be conveyed via  
10 pipeline. MM PR-2 would revise this policy to allow trucking when the proponent demonstrates  
11 that conveying oil and produced water via pipeline is infeasible. MM PR-2 would also revise the  
12 policy to authorize trucking in cases of emergency and for safety testing purposes.

13 66. The FEIR concluded Policy COS-7.7 would result in a potentially significant impact  
14 due to the loss of availability of a known petroleum resource that would be of value to the region  
15 and the residents of the State. The FEIR initially concluded that MM PR-2 could avoid or  
16 substantially lessen this significant environmental effect. However, the County ultimately found  
17 the measure to be infeasible based on a conclusion that allowing trucking under any circumstances  
18 would result in greater impacts on human health and the environment.

19 67. The County concluded Policy COS-7.7 would avoid emissions of criteria pollutants,  
20 TAC's, and GHG compounds resulting from the trucking of oil and produced water from new  
21 discretionary oil wells. It also concluded the policy would decrease traffic safety risks associated  
22 with trucking. However, the FEIR failed to analyze the potentially significant air quality, GHG,  
23 and traffic impacts that could result from implementing Policy COS-7.7 versus MM PR-2. In  
24 particular, the FEIR provided no comparative analysis of the emissions from trucking of fluids  
25 versus conveyance via pipeline, including potentially significant emissions and other  
26 environmental impacts associated with constructing new pipelines. Where, as here, if a policy or a  
27 mitigation measure may cause a significant effect, the effects of both the policy and the mitigation  
28



1 measure must be discussed in the EIR. (14 Cal. Code Regs. § 15126.4(a)(1)(D); *Stevens v. City of*  
2 *Glendale* (1981) 125 Cal.App.3d 986).

3 68. Because the FEIR omitted a meaningful analysis of the impacts from allowing  
4 trucking when the proponent demonstrates that conveying oil and produced water via pipeline is  
5 infeasible, the public cannot adequately assess the nature and magnitude of the impact. The failure  
6 to provide information required by CEQA makes meaningful assessment of feasibility of the  
7 proposed mitigation measure impossible. (*Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502,  
8 518–522). Thus, the County’s finding that MM PR-2 is infeasible is not supported by substantial  
9 evidence.

10 **(Failure to Meaningfully Analyze Impacts of Mitigation Measure PR-3)**

11 69. Policy COS-7.8 would prohibit new discretionary oil and gas wells from flaring or  
12 venting except for emergencies or testing purposes. Instead, the policy mandates that gases emitted  
13 must be used or removed for sale or proper disposal. MM PR-3 would revise this policy to allow  
14 flaring or venting when the proponent demonstrates that conducting operations without flaring or  
15 venting is infeasible.

16 70. The FEIR concludes Policy COS-7.8 would result in a significant impact due to the  
17 loss of availability of a known petroleum resource that would be of value to the region and the  
18 residents of the State. The FEIR initially concluded that MM PR-3 could avoid or substantially  
19 lessen these significant environmental effects. However, the County ultimately determined the  
20 measure was infeasible based on a conclusion that allowing flaring or venting could result in  
21 greater impacts on human health and the environment.

22 71. The County concluded that Policy COS-7.8 would lessen air pollutant emissions and  
23 support attainment of the 2040 General Plan Guiding Principles. However, the FEIR failed to  
24 analyze the potentially significant air quality impacts that could result from implementing Policy  
25 COS-7.8 versus MM PR-3. In particular, the County failed to provide emissions calculations, a  
26 health risk assessment, or a comparative analysis of the degree to which the proposed mitigation  
27 measure might “reduce protection of human health and the environment.” If a policy or mitigation  
28 measure may cause a significant effect, the effects of both the policy and the mitigation measure

1 must be discussed in the EIR. (14 Cal. Code Regs. § 15126.4(a)(1)(D); *Stevens v. City of Glendale*  
2 (1981) 125 Cal.App.3d 986).

3 72. Because the FEIR omitted a meaningful analysis of the impacts from allowing  
4 flaring or venting when the proponent demonstrates that operations without flaring or venting is  
5 infeasible, as proposed by MM PR-3, versus the emission disposal procedures adopted in COS-7.8,  
6 the public cannot adequately assess the nature and magnitude of the impact or its proposed  
7 mitigation. The failure to provide information required by CEQA makes meaningful assessment of  
8 new General Plan policies and the feasibility of proposed mitigation measures impossible. (*Sierra*  
9 *Club v. County of Fresno* (2018) 6 Cal.5th 502, 518–522). Thus, the County’s finding that MM  
10 PR-3 is infeasible is not supported by substantial evidence.

11 (GHG Impacts)

12 73. The DEIR failed to include an accurate GHG emissions inventory and forecast. The  
13 County relied on outdated data and utilized an inapplicable methodology to quantify stationary  
14 source emissions. In response to comments, the County acknowledged these errors and  
15 substantially revised the FEIR’s GHG emissions inventory and forecast. But the County did not  
16 recirculate the EIR prior to certification.

17 74. Such a fundamental change to the GHG emissions inventory and forecast after the  
18 close of the public comment period, but before certification of the FEIR, deprived the public of a  
19 meaningful opportunity to review and comment on the County’s revised data, methods and results.  
20 Because the FEIR included significant new information, the County was required to recirculate the  
21 FEIR. (14 Cal. Code Regs. § 15088.5). However, it failed to do so, in violation of CEQA.

22 (Wildfire Impacts)

23 75. The DEIR also failed to adequately disclose and mitigate potentially significant  
24 impacts from wildfire risks in the County. Petitioners submitted new evidence addressing the  
25 increased severity of wildfires in Ventura County which had occurred since the DEIR was  
26 prepared, including evidence regarding the Medio Fire and Holser Fire, and agency reports  
27 explaining that the severity of the recent County fires have exceeded fire risk expectations from  
28 fire experts.

1           76.     The FEIR included new wildfire policies and mitigation measures that were not  
2 previously disclosed in the DEIR, including three new policies as well as the addition of specific  
3 citations to the sources of fire hazard mitigation contained in documents other than the 2040  
4 General Plan. CalFIRE and CBF's comments constitute new alternatives and proposed mitigation  
5 measures which much be considered in a recirculated EIR.

6           77.     Recirculation was required for three reasons. First, a substantial increase in the  
7 severity of wildfire impacts would result unless the mitigation measures proposed by CalFIRE and  
8 CBF are adopted to reduce wildfire impact. Second, the CalFIRE and CBF recommendations  
9 identified a feasible project alternative or mitigation measure considerably different from others  
10 previously analyzed in the EIR would clearly lessen the environmental impacts of the project, but  
11 the measures were not adopted by the County. Third, the DEIR's discussion of wildfire impacts  
12 and mitigation measures was so fundamentally and basically inadequate and conclusory in nature  
13 that meaningful public review and comment was precluded.

14                   **(Inadequate Responses to Comments; Failure to Recirculate the EIR)**

15           78.     The CEQA Guidelines require lead agencies to respond to comments raising  
16 significant environmental issues: "In particular, the major environmental issues raised when the  
17 Lead Agency's position is at variance with recommendations and objections raised in the  
18 comments must be addressed in detail giving reasons why specific comments and suggestions were  
19 not accepted. There must be good faith, reasoned analysis in response. Conclusory statements  
20 unsupported by factual information will not suffice." (CEQA Guidelines § 15088(c).) The FEIR  
21 failed to respond to comments in the manner required by law.

22           79.     When significant new information is added to an EIR after the close of the public  
23 comment period but prior to certification, the public agency must recirculate the EIR for additional  
24 public comment and agency consultation before certifying the EIR. (Pub. Res. Code § 21092.1; 14  
25 Cal. Code Regs. §15088.5.)

26           80.     The FEIR was revised to include substantial new analysis and mitigation related to,  
27 *inter alia*, GHG and wildfire impacts. Therefore, Respondents had a legal duty to recirculate the  
28

1 EIR for the Project for additional public review because significant new information. The County  
2 failed to recirculate the EIR prior to certification.

3 **SECOND CAUSE OF ACTION**

4 **(Inadequate Findings. Code of Civil Procedure §1094.5 or in the alternative §1085, Pub. Res.  
5 Code §§ 21168, 21168.5. By All Petitioners Against All Respondents and All Real Parties)**

6 81. The lead agency's findings for the approval of a land use project must be supported  
7 by substantial evidence in the administrative record. (*Topanga Assn. for a Scenic Community v.*  
8 *County of Los Angeles* (1974) 11 Cal.3d 506, 515; *Laurel Heights*, 47 Cal.3d at 404.) CEQA, State  
9 Planning and Zoning law, and local land use laws further require that the lead agency provide an  
10 explanation of how evidence in the record supports the conclusions it has reached. *Id.*

11 82. Respondents violated CEQA, State Planning and Zoning law, and local land use  
12 laws, by adopting findings that are inadequate as a matter of law in that they are not supported by  
13 substantial evidence in the record, including, but not limited to, the following:

- 14 a. The determination that certain impacts would be less than significant and/or that  
15 adopted mitigation measures would avoid or lessen the Project's significant effects  
16 on the environment, including but not limited to impacts on air quality, GHGs,  
17 public health impacts from exposure to TACs, and impacts of oil and gas production  
18 and transport;
- 19 b. The determination that alternatives to the Project and proposed mitigation measures  
20 that would have avoided or lessened the significant impacts of the Project were  
21 infeasible;
- 22 c. The determination that the Project, as approved, would have no significant effects  
23 on the environment;
- 24 d. The determination that the Project complied with all applicable laws.

25 83. As a result of the foregoing defects, Respondents prejudicially abused their  
26 discretion by making determinations or adopting findings that do not comply with the requirements  
27 of CEQA and State land use law and approving the Project in reliance thereon, and by failing to  
28 adopt a legally adequate statement of overriding considerations that admitted the Project's

1 outstanding significant impacts. Accordingly, Respondents' certification of the FEIR and all other  
2 Project Approvals must be set aside.

3 **PRAYER FOR RELIEF**

4 WHEREFORE, Petitioners pray for relief and judgment as follows:

5 1. That the Court place a stay on Respondents' decisions certifying the FEIR and  
6 approving the Project pending trial;

7 2. That the Court issue an alternative and/or peremptory writ of mandate directing  
8 Respondents to:

- 9 a) Vacate and set aside the certification and approval of the FEIR for the  
10 Project and all other Project approvals;  
11 b) Vacate and set aside any actions approving permits for the Project;  
12 c) Prepare, circulate, and consider a new and legally adequate EIR and  
13 otherwise to comply with CEQA in any subsequent action taken to approve  
14 the Project;  
15 d) Refrain from authorizing any further permits, entitlements, or construction-  
16 related activities for the Project until Respondents have prepared and  
17 certified a legally adequate environmental impact report for the Project,  
18 complied with all other applicable requirements of CEQA, and filed a return  
19 on the writ demonstrating compliance therewith; and  
20 e) **Comply** with all other applicable requirements of CEQA, as directed by this  
21 **Court pursuant to Public Resources Code section 21168.9;**

22 3. That the Court issue a temporary restraining order and a preliminary and permanent  
23 injunction barring Respondents, and all other persons working on their behalf, from taking any  
24 action to implement the 2040 GPU Project, including but not limited to any activity that may result  
25 in any physical change in the environment, until Respondents take all necessary steps to bring their  
26 actions in compliance with CEQA and the writ is discharged;

27 4. That Petitioners be awarded costs of this proceeding;  
28

1           5.       That Petitioners be awarded reasonable attorneys fees for this action pursuant to  
2 Code of Civil Procedure section 1021.5, and any other applicable provisions of law; and

3           6.       That Pctitioners be awarded such other and further relief as the Court deems just and  
4 proper.

5  
6 DATED: October 15, 2020

ADAMS BROADWELL JOSEPH & CARDOZO

7  
8 

9 \_\_\_\_\_  
TANYA A. GULESSERIAN  
10 CHRISTINA M. CARO  
ANDREW J. GRAF

11 Attorney for Petitioners and Plaintiffs  
12 CALIFORNIA WORKS LABOR-MANAGEMENT  
13 COOPERATION TRUST  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

# **EXHIBIT A**

**ADAMS BROADWELL JOSEPH & CARDOZO**

A PROFESSIONAL CORPORATION

**ATTORNEYS AT LAW**

601 GATEWAY BOULEVARD, SUITE 1000  
SOUTH SAN FRANCISCO, CA 94080-7037

TEL: (650) 589-1660

FAX: (650) 589-5062

[agraf@adamsbroadwell.com](mailto:agraf@adamsbroadwell.com)

**SACRAMENTO OFFICE**

520 CAPITOL MALL, SUITE 350  
SACRAMENTO, CA 95814-4721

TEL: (916) 444-6201

FAX: (916) 444-6209

DANIEL I. CARDOZO  
CHRISTINA M. CARO  
THOMAS A. ENSLOW  
ANDREW J. GRAF  
TANYA A. GULESSERIAN  
KENDRA D. HARTMANN\*  
KYLE C. JONES  
RACHAEL E. KOSS  
NIRIT LOTAN  
WILLIAM C. MUMBY

MARC D. JOSEPH  
*Of Counsel*

\*Not admitted in California.  
Licensed in Colorado.

October 14, 2020

**Via Email and U.S. Mail**

Chair Kelly Long and Board Members  
Board of Supervisors  
c/o Clerk of the Board of Supervisors  
County of Ventura  
800 S. Victoria Avenue  
Ventura, CA 93009  
Email: [clerkoftheboard@ventura.org](mailto:clerkoftheboard@ventura.org)

Michael Powers  
Clerk of the Board of Supervisors  
Hall of Administration, 4th Floor  
800 S. Victoria Avenue  
Ventura, CA 93009-1920  
Email: [clerkoftheboard@ventura.org](mailto:clerkoftheboard@ventura.org)

Susan Curtis, Planning Division Manager  
Ventura County Planning Division  
800 S Victoria Ave  
Ventura, CA 93009  
Email: [GeneralPlanUpdate@ventura.org](mailto:GeneralPlanUpdate@ventura.org)

**Re: Notice of Commencement of CEQA Lawsuit – Ventura County  
2040 General Plan Project (SCH No.: 2019011026)**

Dear Chair Long, Honorable Members of the Board of Supervisors, Mr. Powers:

This letter provides the County of Ventura and the Board of Supervisors of the County of Ventura ("Board," and collectively with County of Ventura as "County") with notice, in accordance with Public Resources Code section 21167.5, that California Works Labor-Management Cooperation Trust ("California Works") intends to file a lawsuit in the Ventura County Superior Court against the County challenging the County's unlawful approval of the Ventura County 2040 General Plan Project (SCH No.: 2019011026), including the County's certification of the 2040 General Plan Final Environmental Impact Report ("FEIR"), adoption of related findings and documents pursuant to the California Environmental Quality Act ("CEQA"),<sup>1</sup> repeal of existing General Plan except for the 2014-2021 Housing Element, and approval and adoption of the 2040 General Plan and 2040 General Plan Background Report (collectively, the "Project"). The Board certified the FEIR

<sup>1</sup> Public Resources Code, section 21000 et seq.  
4946-001acp



October 14, 2020

Page 2

and approved the Project on September 15, 2020, and filed a Notice of Determination pursuant to CEQA on September 16, 2020 with the State Clearinghouse and on September 17, 2020 with the Ventura County Clerk and Recorder.

**The petition being filed will seek the following relief:**

- 1. For a stay of the County's decisions certifying the FEIR and approving the Project pending trial.**
- 2. For a temporary restraining order and preliminary injunction restraining the County and the Project Applicant from taking any action to carry out the Project relying in whole or in part upon the FEIR pending trial.**
- 3. For a peremptory writ of mandate, preliminary and permanent injunction and declaratory relief directing:**
  - a. The County to vacate and set aside its resolutions certifying the FEIR and Mitigation Monitoring and Reporting Program for the Project, making CEQA findings, and approving the Project.**
  - b. The County to suspend all activity under the certification of the FEIR and approval of the Project that could result in any change or alteration to the physical environment until the County has taken all actions that may be necessary to bring the certification and Project approval into compliance with CEQA.**
  - c. The County to prepare, circulate, and consider a new and legally adequate DEIR/FEIR and otherwise to comply with CEQA in any subsequent action taken to approve the Project.**
- 4. For the costs of suit.**
- 5. For an award of attorney fees pursuant to Code of Civil Procedure § 1021.5 and any other applicable provisions of law or equity.**
- 6. For any other equitable or legal relief that the Court considers just and proper.**

October 14, 2020  
Page 3

California Works urges the County to rescind its Notice of Determination for the Project, as well as the existing Project approvals, and prepare a legally adequate CEQA document for this Project, as required by law.

Our clients may be willing to forego this lawsuit if the County promptly contacts us to set forth its plan for rescinding its certification of the FEIR and approvals for the Project, or to propose alternative, potential terms of settlement acceptable to our clients. Otherwise, we will promptly serve the petition as soon as it is completed and filed.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew J. Graf". The signature is fluid and cursive, with the first name "Andrew" and last name "Graf" clearly distinguishable.

Andrew J. Graf  
Associate

AJG:acp

4946-001acp

**PROOF OF SERVICE**

I, Alisha Pember, declare as follows:

I am a resident of the State of California, and employed in South San Francisco, California. I am over the age of 18 years and am not a party to the above-entitled action. My business address is Adams Broadwell Joseph & Cardozo, 601 Gateway Boulevard, Suite 1000, South San Francisco, California, 94080.

On October 14, 2020, I served the foregoing document entitled:

**Notice of Commencement of CEQA Lawsuit – Ventura County  
2040 General Plan Project (SCH No.: 2019011026)**

on the persons identified below by transmitting a copy as follows:

Chair Kelly Long and Board Members  
Board of Supervisors  
c/o Clerk of the Board of Supervisors  
County of Ventura  
800 S. Victoria Avenue  
Ventura, CA 93009  
Email: [clerkoftheboard@ventura.org](mailto:clerkoftheboard@ventura.org)

Michael Powers  
Clerk of the Board of Supervisors  
Hall of Administration, 4th Floor  
800 S. Victoria Avenue  
Ventura, CA 93009-1920  
Email: [clerkoftheboard@ventura.org](mailto:clerkoftheboard@ventura.org)

Susan Curtis, Planning Division Manager  
Ventura County Planning Division  
800 S Victoria Ave  
Ventura, CA 93009  
Email: [GeneralPlanUpdate@ventura.org](mailto:GeneralPlanUpdate@ventura.org)

**XX ELECTRONIC SERVICE.**

**XX FIRST CLASS MAIL.** I am “readily familiar” with the firm’s practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at South San Francisco, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

October 14, 2020  
Page 5

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed October 14, 2020, at South San Francisco, California.



---

Alisha Pember

## **EXHIBIT B**

1 TANYA A. GULESSERIAN (CSB No. 198640)  
2 CHRISTINA M. CARO (CSB No. 250797)  
3 ANDREW J. GRAF (CSB No. 300169)  
4 ADAMS BROADWELL JOSEPH & CARDOZO  
5 A Professional Corporation  
6 601 Gateway Boulevard, Suite 1000  
7 South San Francisco, CA 94080-7037  
8 Telephone: (650) 589-1660  
9 Facsimile: (650) 589-5062  
10 Email: tgulesserian@adamsbroadwell.com  
11 ccaro@adamsbroadwell.com  
12 agraf@adamsbroadwell.com

13 Attorneys for Petitioners and Plaintiffs  
14 CALIFORNIA WORKS LABOR-MANAGEMENT COOPERATION TRUST

15  
16 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
17 **COUNTY OF VENTURA**

18 CALIFORNIA WORKS LABOR-  
19 MANAGEMENT COOPERATION TRUST, a  
20 non-profit organization,

21 Petitioners and Plaintiffs,

22 vs.

23 COUNTY OF VENTURA, a public agency;  
24 BOARD OF SUPERVISORS OF COUNTY OF  
25 VENTURA, a public agency; and DOES 1  
26 through 10, inclusive,

27 Respondents and Defendants.

28 ROES 11 through 20, inclusive,

Real Parties in Interest and  
Defendants.

Case No.:

**[CEQA Case]**

**PETITIONERS' NOTICE OF  
ELECTION TO PREPARE  
ADMINISTRATIVE RECORD**

(Pub. Resources Code, § 21167.6(b)(2);  
Ventura County Superior Court  
Local Rule 28(K)(2))

1           **Petitioners and Plaintiffs CALIFORNIA WORKS LABOR-MANAGEMENT**  
2 **COOPERATION TRUST (collectively "Petitioners")** hereby give notice, pursuant to Public  
3 Resources Code section 21167.6(b)(2) and Ventura County Superior Court Local Rule 28.00.K.2,  
4 that Petitioners elect to prepare the record of proceedings ("Administrative Record") in the above  
5 titled action relating to the unlawful approval of the 2040 General Plan Update ("2040 GPU" or  
6 "Project") by Respondents and Defendants COUNTY OF VENTURA, BOARD OF  
7 SUPERVISORS OF COUNTY OF VENTURA, and DOES 1 through 10, inclusive (collectively,  
8 "Respondents" or "County").

9           **Respondents, Real Parties in Interest, and Defendants** are directed not to prepare the  
10 Administrative Record for this action and not to expend any resources to prepare said  
11 Administrative Record.

12  
13 DATED: October 15, 2020

ADAMS BROADWELL JOSEPH & CARDOZO

14  
15 

16 \_\_\_\_\_  
TANYA A. GULESSERIAN  
17 CHRISTINA M. CARO  
ANDREW J. GRAF

18 Attorney for Petitioners and Plaintiffs  
19 CALIFORNIA WORKS LABOR-MANAGEMENT  
20 COOPERATION TRUST  
21  
22  
23  
24  
25  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**VERIFICATION**

**(Cal. Code of Civil Procedure, §§ 446, 2015.5)**

I, ANDREW J. GRAF, declare:

I am an attorney of record for Petitioners and Plaintiffs CALIFORNIA WORKS LABOR-MANAGEMENT COOPERATION TRUST (collectively, "Petitioners") in this action. Petitioners are absent from the County of San Mateo in which I have my office. I have read the foregoing VERIFIED PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF and all attachments thereto and know the contents thereof. I am informed and believe that the matters stated therein are true and correct and, on that ground, I allege that the matters stated therein are true and correct.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on October 15, 2020, at City of South San Francisco, County of San Mateo, California.



---

ANDREW J. GRAF